

This listing of claims will replace all prior versions, and listings, of claims in the application:

### LISTING OF CLAIMS

1. (Currently amended) A vehicle surroundings monitoring apparatus, comprising:
  - frontal information detecting means for detecting at least solid object information ~~in front~~ ahead of an own vehicle;
  - preceding vehicle recognizing means for recognizing a preceding vehicle traveling in front of the own vehicle based on ~~said the~~ solid object information;
  - own vehicle traveling path estimating means for estimating a ~~traveling path of said that is~~ predicted for the own vehicle to travel on a road ahead of the own vehicle as a traveling path of the own vehicle;
  - first evacuation possibility judging means for judging a ~~first possibility of~~ relative evacuation ~~of said possibility for the~~ preceding vehicle to evacuate from the state of being the preceding vehicle of the ~~when viewed from said~~ own vehicle according to the position of ~~said the~~ preceding vehicle and the position of ~~said the~~ own vehicle;
  - second evacuation possibility judging means for judging a ~~second possibility of~~ relative evacuation ~~of said possibility for the~~ preceding vehicle ~~when viewed from said~~ to evacuate from the state of being the preceding vehicle of the own vehicle according to information of a solid objects ~~object~~ other than ~~said the~~ preceding vehicle; and
  - preceding vehicle evacuation possibility judging means for judging a possibility of relative evacuation ~~of said for the~~ preceding vehicle ~~when viewed from said~~ to evacuate from the state of being the preceding vehicle of the own vehicle ~~based on said first~~ according to the possibility obtained from said of relative evacuation by the first evacuation possibility judging means and ~~said second the~~ possibility ~~obtained from said~~ of relative evacuation by the second evacuation possibility judging means.
2. (Currently amended) The vehicle surroundings monitoring apparatus ~~described in~~ according to claim 1, wherein:

the said frontal information detecting means detect detects road information ~~in front~~  
ahead of said the own vehicle in addition to said the solid object information and ~~have~~ comprises  
own vehicle traveling conditions condition detecting means for detecting a traveling condition of  
said the own vehicle, and

the own vehicle traveling path estimating means estimates an own vehicle traveling path based on the road information as a first own vehicle traveling path, estimates an own vehicle path based on the traveling condition of the own vehicle as a second own vehicle traveling path and estimates a new own vehicle traveling path based on the first own vehicle traveling path and the second own vehicle traveling path.

3. (Canceled)

4. (Currently amended) The vehicle surroundings monitoring apparatus described in according to claim 1, wherein ~~said the~~ first evacuation possibility judging means ~~judge judges~~ the relative evacuation possibility of ~~the relative evacuation of said preceding vehicle when viewed from said own vehicle~~ according to a longitudinal a frontal distance of ~~said the~~ preceding vehicle from ~~said the~~ own vehicle and a ~~lateral~~ separation of ~~said the~~ preceding vehicle from ~~said new the own vehicle~~ traveling path.

5. (Currently amended) The vehicle surroundings monitoring apparatus ~~described in~~ according to claim 1, wherein ~~said the~~ the preceding vehicle evacuation possibility judging means judge judges that when ~~said the~~ the preceding vehicle ~~exists further~~ is farther than a preestablished distance, there is no possibility of relative evacuation of ~~said the~~ the preceding vehicle ~~when viewed from said own vehicle.~~

6. (Currently amended) The vehicle surroundings monitoring apparatus ~~described in~~ according to claim 1, wherein:

~~said~~ the first evacuation possibility judging means ~~provide~~ provides a plurality of distance divisions ~~in front~~ ahead of ~~said~~ the own vehicle, ~~establish~~ left and right ~~establishes~~ evacuation

possibility judging regions in predetermined left and right areas around ~~said new own~~ the traveling path of the own vehicle at ~~said the~~ the respective distance divisions, and judges that the evacuation possibility is high when ~~said the~~ the preceding vehicle is exists in ~~said the~~ the evacuation possibility judging regions ~~represent said first possibility~~ and expresses that the evacuation possibility is high as a first specified numerical value, and ~~evacuation possibility corresponding to said respective evacuation judging regions and~~

said the preceding vehicle evacuation possibility judging means judge judges that there is a possibility of relative evacuation of ~~said the~~ the preceding vehicle ~~when viewed from said own~~ vehiele, in case where when the sum of ~~said first specified~~ the numerical values expressing that the evacuation possibility exeeeds is high exceeds a predetermined threshold value.

7. (Currently amended) The vehicle surroundings monitoring apparatus ~~described in~~ according to claim 6, wherein ~~said the~~ the distance divisions provided by the first evacuation possibility judging means comprise a first division near the own vehicle, a second division in front of the first division and a third division in front of the second division ~~are composed of a far distance division, an intermediate distance division and a near distance division.~~

8. (Currently amended) The vehicle surroundings monitoring apparatus ~~described in~~ according to claim 4 6, wherein:

when ~~said the~~ the preceding vehicle exists is in a preestablished region in the vicinity of ~~said new own~~ the traveling path of the own vehicle, ~~said the~~ the first evacuation possibility judging means clears the sum of ~~said first specified numerical~~ the numerical values expressing that the evacuation possibility is cleared high, as judged by the preceding vehicle evacuation possibility judging means, and

when ~~said the~~ the preceding vehicle ~~does not exist~~ is invisible in ~~said the~~ the preestablished region in the vicinity of ~~said new own~~ the traveling path of the own vehicle and ~~said in the~~ the respective evacuation possibility judging regions, the first evacuation possibility judging means judges that the possibility of relative evacuation of the preceding vehicle is low, reduces ~~reduce~~ the sum of ~~said first specified~~ the numerical values expressing that the evacuation possibility is

high, as judged by the preceding vehicle evacuation possibility judging means, to a predetermined value that expresses the evacuation possibility to make a judgment that there is a small possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle.

9. (Currently amended) The vehicle surroundings monitoring apparatus ~~described in~~ according to claim 1, wherein when a solid object, moving forward substantially in the same direction as the own vehicle and different from said the preceding vehicle, exists in a traveling region of the own vehicle in the vicinity of ~~said new own traveling path, said the preceding vehicle, the second evacuation possibility judging means represent said second possibility judges~~ that the evacuation possibility is high and expresses the evacuation possibility as a second specified numerical value, evacuation possibility and adds the add said second specified numerical evacuation possibility value to the sum of said first specified the numerical values expressing that the evacuation possibility is high, as judged by the so as to further enhance the possibility of relative evacuation of said preceding vehicle evacuation possibility judging means when viewed from said own vehicle.

10. (Currently amended) A The traveling control system for controlling a traveling of an own vehicle, wherein:

the own vehicle is provided with the at least based on said information extracted from said vehicle surroundings monitoring apparatus described in claims according to claim 1, and

information of the possibility of an evacuation possibility of a the preceding vehicle by the vehicle surroundings monitoring apparatus is information of the preceding vehicle.